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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ROLANDO ESTEBAN SANCHEZ,) CASE NO. ED CV 12-2018-DOC (PJW)
11)
12 Petitioner,) ORDER ACCEPTING REPORT AND
13 v.) ADOPTING FINDINGS, CONCLUSIONS,
14 G.D. LEWIS, WARDEN,) AND RECOMMENDATIONS OF UNITED
15) STATES MAGISTRATE JUDGE, AND
16) GRANTING IN PART CERTIFICATE OF
17) APPEALABILITY
18)
19 Respondent.)
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16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
17 Petition, records on file, and the Report and Recommendation of the
18 United States Magistrate Judge. Further, the Court has engaged in a
19 *de novo* review of those portions of the Report to which the parties
20 have objected. The Court accepts the findings and recommendation of
21 the Magistrate Judge.

22 Further, for the reasons stated in the Report and
23 Recommendation, the Court finds that, as to his claim that there was
24 insufficient evidence to establish that he directed or controlled the
25 pickup truck in which the murder weapon was found, Petitioner has
26 established that reasonable jurists would find the district court's
27 assessment of Petitioner's constitutional claim was debatable. See
28 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 330

(2003). For this reason, a certificate of appealability as to this issue is GRANTED. As to his other claims, Petitioner has not made a substantial showing of the denial of a constitutional right and, therefore, a certificate of appealability is DENIED. See Rules Governing Section 2254 Cases in the United States District Courts, Rule 11(a); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El*, 537 U.S. at 336.

DATED: April 29, 2014.



DAVID O. CARTER
UNITED STATES DISTRICT JUDGE